

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO, ex rel.)	
State Engineer,)	No. 69 CV 07941 MV/KK
)	
Plaintiff,)	Rio Chama Adjudication
)	
v.)	Pueblo Claims Subproceeding 1
)	
ROMAN ARAGON, et al.,)	
)	
Defendants.)	
_____)	

JOINT STATUS REPORT

Pursuant to this Court's Order of February 12, 2019 (Document 11539), the undersigned Parties submit this Joint Status Report. The Parties are discussing possible resolution of all Ohkay Owingeh's water rights claims to all sources of water. As a result, this Joint Status Report is being filed simultaneously in the companion case styled *State of New Mexico ex rel. State Engineer v. Abbott*, No. 68-cv-07488 (MV/JHR).

1. Settlement Negotiations

Since the last status report, the Parties have held numerous telephonic meetings and several in-person meetings to continue settlement discussions. Under the leadership of Ohkay Owingeh and the United States, the Parties are focusing on the key components of a settlement that is intended to satisfy the Pueblo's need for water for a variety of purposes believed to be critical to its development. During the duration of the most recent stay order, the Parties have discussed and made progress on the following issues: 1) infrastructure projects that may provide mutual benefits to various Parties; 2) appropriate means by which to measure water depletions from groundwater pumping and surface diversions; 3) the relationship between administration of

state-law water rights in stream systems and settlement of Ohkay Owingeh's federal water rights claims; and 4) mutually-acceptable means by which settlement of Ohkay Owingeh's water rights claims can be made final and certain.

Ohkay Owingeh had meetings with one or more of the negotiating Parties on the following dates:

December 21:	Telephonic meeting among Ohkay Owingeh, the Federal Assessment Team and counsel for Santa Clara Pueblo
January 9:	Telephonic meeting between Ohkay Owingeh and Rio Chama Acequias Association
March 11:	Telephonic meeting between Ohkay Owingeh and certain members of the Federal Assessment Team
March 26:	Telephonic meeting among some of the Parties' technical consultants and some members of the Federal Assessment Team In-person meeting between Ohkay Owingeh and the Federal Assessment Team
March 27:	In-person meeting among Ohkay Owingeh, Federal Assessment Team and certain settlement Parties and their counsel
April 8:	Telephonic meeting among Ohkay Owingeh and certain members of the Federal Assessment Team and certain technical consultants
April 10:	In-person meeting between certain acequias and representatives of the State of New Mexico
April 18:	Combined in-person and telephonic meeting among certain acequias, Ohkay Owingeh, the State of New Mexico and the Federal Assessment Team
April 24:	Combined in-person and telephonic meeting among counsel for certain Parties
April 25:	Combined in-person and telephonic meeting among certain acequias, Ohkay Owingeh, the State of New Mexico and the Federal Assessment Team

- May 1: Telephonic meeting between Ohkay Owingeh and the Federal Assessment Team
- May 21: In-person meeting among Ohkay Owingeh and its counsel, members of the Federal Assessment Team, and counsel for certain acequias, Santa Clara Pueblo, and the State of New Mexico

In addition, counsel for Ohkay Owingeh have met frequently with the Pueblo's leadership, staff, and consultants to discuss the development of settlement proposals and the analyses of data in support of such proposals.

2. Scheduling of Dispositive Motions

The undersigned Parties' previous reports that the resumption of litigation would hamper their efforts to resolve Ohkay Owingeh's water rights claims through negotiation remain true. The undersigned Parties continue to be committed to the negotiation process. Therefore, they do not anticipate the need for this Court to schedule the filing and briefing of dispositive motions within the next six months.

3. Rescheduling the Trial

For the same reasons, the undersigned Parties do not believe that the trial should be scheduled at this time.

4. Expectations on Timing of Settlement

With the exception of a groundwater model, Ohkay Owingeh's and the United States' internal work compiling and analyzing the technical data necessary to support settlement proposals is largely completed. Completion of the groundwater model may take up to one year. Ohkay Owingeh has nearly completed a draft comprehensive settlement proposal that will be shared with the undersigned Parties soon. Ohkay Owingeh anticipates that discussions for the next six months will focus on the provisions of that proposal and the technical bases for the proposal. As a result, these settlement negotiations will extend into 2020. The timing of a

settlement may largely depend on whether other Parties believe additional compilation and analysis of technical data are necessary to reach agreement and the completion of modeling analyses to assess impacts from settlement proposal scenarios.

5. Other Matters

The undersigned Parties suggest that the Court require the filing of a joint status report six months from now, on December 10, 2019, at which time they will report to the Court on their progress and on the question of whether dispositive motions should be scheduled, or litigation should otherwise resume.

Dated: June 7, 2019

Respectfully submitted,

/s/ Curtis G. Berkey

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 7th day of June 2019, I filed the foregoing electronically through the CM/ECF system, which caused the parties listed on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Curtis G. Berkey

Curtis G. Berkey